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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/871,315	05/31/2001	Albert Santelli JR.	Fram Trak-8	1210

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EXAMINER

MAYO III, WILLIAM H

ART UNIT	PAPER NUMBER
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2831

DATE MAILED: 10/04/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/871,315

Applicant(s)

SANTELLI, ALBERT

Examiner

William H. Mayo III

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Information Disclosure Statement

1. The information disclosure statement filed May 31, 2001 has been submitted for consideration by the Office. It has been placed in the application file and the information referred to therein has been considered.

Specification

2. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

3. The abstract of the disclosure is objected to because it contains the terms "and/or", which is confusing and renders the abstract unclear. Specifically, it is not known whether the terms following the term "and/or" are a part of the invention. Correction is required. See MPEP § 608.01(b).

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 1-24 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

6. Regarding claims 1 & 13, lines 1 respectively, the phrase "and/or" renders the claim indefinite because it is unclear whether the limitations following the phrase are part of the claimed invention inclusively with the limitations before the term or whether the invention may comprise a wire or a cable enclosure system. The applicant should delete one of the terms to provide clarity to the claim.

7. Claims 2-12 and 14-24 depend from rejected claims 1 & 13 respectively, and therefore are rejected.

Claim Rejections - 35 USC § 102

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

9. Claims 1 & 13 are rejected under 35 U.S.C. 102(b) as being anticipated by Guginsky (Pat Num 5,283,393). Guginsky discloses a connector (Figs 1-4) for connecting elongated enclosures of wires and cable enclosure systems (Col 1, lines 45-

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49). Specifically, with respect to claim 1, Guginsky discloses a connector (10) comprising a manually bendable pleated body (11) having first and second ends (Fig 1, Col 2, lines 40-49), a first coupling member (12) that extends from the first end of the body (11) and attaches an elongated enclosure to the connector (10) and a second coupling member (13) that extends from a second end of the body (11) and attaches another elongated enclosure to the connector (10, Col 2, lines 52-57), wherein the pleated body (11) allow the connector (10) to be manually bent from side to side and/or front to back and the be manually lengthened or shortened to provide a desired configuration (Col 3, lines 15-24). With respect to claim 13, Guginsky discloses a enclosure system (Figs 1-4) comprising a connector (10) that has a manually bendable pleated body (11) having first and second ends (Fig 1, Col 2, lines 40-49), a first coupling member (12) that extends from the first end of the body (11) and attaches an elongated enclosure to the connector (10) and a second coupling member (13) that extends from a second end of the body (11) and attaches another elongated enclosure to the connector (10, Col 2, lines 52-57), wherein the pleated body (11) allow the connector (10) to be manually bent from side to side and/or front to back and the be manually lengthened or shortened to provide a desired configuration (Col 3, lines 15-24).

Claim Rejections - 35 USC § 103

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. Claims 2-3 and 14-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Guginsky (Pat Num 5,283,393) in view of Santucci et al (Pat Num 5,235,136, herein referred to as Santucci). Guginsky discloses an enclosure system (Figs 1-4) having a connector (Figs 1-4) for connecting elongated enclosures of wires and cable enclosure systems (Col 1, lines 45-49) as explained above with reference to claims 1 & 13.

However, Guginsky doesn't necessarily disclose the body and coupling members being formed a single piece molded member (claims 2 & 14), nor the body and coupling member being made of a plastic composition (claims 3 & 15).

Santucci teaches that one-piece plastic enclosures for wiring systems are well known in the art. Specifically, with respect to claims 2-3 & 14-15, Santucci teaches that one-piece enclosures are well known and are commonly made of plastic composition material (Col 1, lines 30-41).

With respect to claims 2-3 & 14-15, it would have been obvious to one having ordinary skill in the art of cable enclosures at the time the invention was made to modify the connector of Guginsky to comprise the connector (i.e. duct) configuration as taught by Santucci because Santucci teaches that such a configuration are known (Col 1, lines 30-41) for the containment of electrical wiring and since it has been held that forming in one piece an article which has been formerly been formed in two or more pieces and

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put together involves only routine skill in the art. *Howard v. Detroit Stove Works*, 150 U.S. 164 (1893).

12. Claims 3-12 and 16-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Guginsky (Pat Num 5,283,393) and Santucci et al (Pat Num 5,235,136, herein referred to as modified Guginsky), as applied to claims 3 & 15 above, and further in view of Valente et al (Pat Num 5,789,064). Modified Guginsky discloses a connector being formed of a plastic composition, as described above with reference to claims 3 & 15. Specifically, with respect to claim 10, modified Guginsky discloses that the connector (11 of Guginsky) has a textured surface (i.e. articulate) which is an outside surface (see outside of 11 at ribs). With respect to claim 11, modified Guginsky discloses that the connector (11 of Guginsky) has a textured surface (i.e. articulate) which is an inside surface (see inside of 11 at ribs). With respect to claim 23, modified Guginsky discloses that the connector (11 of Guginsky) has a textured surface (i.e. articulate) which is an outside surface (see outside of 11 at ribs). With respect to claim 24, modified Guginsky discloses that the connector (11 of Guginsky) has a textured surface (i.e. articulate) which is an inside surface (see inside of 11 at ribs).

However, modified Guginsky doesn't necessarily disclose the plastic composition including a component with electromagnetic absorbing properties (claims 4 & 16), nor the component being ferrite particles (claims 5 & 17), nor the plastic composition including a second component with electromagnetic reflecting properties (claims 6 & 18), nor the second component comprising metal particles (claims 7 & 19), nor the

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plastic composition including a component with electromagnetic reflecting properties (claims 8 & 20), nor the component comprising metallic particles (claims 9 & 21).

Valente discloses a plastic composition that has electromagnetic radiation absorbing materials that are commonly used in manufacturing of electromagnetic shielding structures (i.e. cable covers). Specifically, with respect to claims 4-5 & 16-17, Valente discloses that the plastic composition may include a component with electromagnetic absorbing properties, such as ferrite particles (Cols 3 & 4, lines 57-67 & 1-3). With respect to claims 6-7 & 18-19, Valente discloses that the plastic composition may include a second component with electromagnetic reflecting properties, such as metal particles (i.e. copper, Col 3, lines 15-21). With respect to claim 8-9 & 20-21, Valente discloses that the plastic composition may include a component with electromagnetic reflecting properties, such as metallic particles (i.e. copper, Col 3, lines 15-21).

With respect to claims 3-12 & 16-24, it would have been obvious to one having ordinary skill in the art of plastic compositions at the time the invention was made to modify the plastic composition of modified Guginsky to comprise the plastic composition configuration as taught by Valente because Valente teaches that such a configuration are commonly used in manufacturing of electromagnetic shielding structures (i.e. cable covers) and since it has been held to be within general skill of a worker in the art to select a known material on the basis of its suitability for the intended use as a matter of obvious design choice. In re Leshin, 125 USPQ 416.

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Conclusion

13. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. They are Yasumoto (Pat Num 4,792,312), Petermann et al (Pat Num 4,783,279), Young (Pat Num 4,018,979), Ohlhaber (Pat Num 4,801,764), and Erickson (Pat Num 1,668,953), all of which disclose cable enclosures and connectors.

Communication

14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to William H. Mayo III whose telephone number is (703)306-9061. The examiner can normally be reached on M-F 8:30am-6:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dean Reichard can be reached on (703) 308-3682. The fax phone numbers for the organization where this application or proceeding is assigned are (703)305-3432 for regular communications and (703)305-3431 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.



WHM III
September 26, 2002